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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,379	11/14/2003	Tsuyoshi Kamiya	01198.0279	9590

22852 7590 03/23/2007  
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EXAMINER
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VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
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3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/712,379

Applicant(s)

KAMIYA ET AL.

Examiner

Lester L. Vanterpool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 15, 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephen (U.S. Patent Number 3545660).

Stephen discloses the pair of roof rails (10) (See Figure 1) extended in parallel each other and connected to a roof of a vehicle (See Column 1, lines 26 – 27);

a cross rail (17) for connecting the roof rails (10) (See Figure 1);

stopper mechanism (29) including a handle (33) operable for fixing the cross rail (17) to the roof rails (10), the stopper mechanism (29) further including the cam member

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(31 & 35) and the contact member (36) for contacting the cam member (31 & 35) (See Figure 2);

wherein the cross rail (17) is movable relative to the roof rail (10) when the handle (33) is at a first position and the cross rail (17) is immovable relative to the roof rail (10) when then handle (33) is at a second position (See Column 1, lines 73 – 75) (See Column 2, lines 1 – 17) (See Figures 1, 3 & 4);

a spring (30) fitted in an attaching groove (See Figure 2) formed on a holder (18) and inserted into an opening portion (See Figure 2) of the roof rail (10) to be maintained and a rim portion (21 & 22) of the opening portion of the roof rail (10) is sandwiched between the holder (18) and the spring (30) (See Figure 2);

and wherein the roof rails (10) compressively contact the holder (18) movable relative to the roof rails (10) upon movement of the contact member (36) relative to the cam member (31 & 35) when the handle (33) is at the second position, and a shaft (24) penetrates holes (See Figures 2) provided at the central portion of the cam member (35) and the contact member (36) (See Figure 3).

Regarding claim 2, Stephen discloses the roof rails (10) compressively contact by the movement of the contact member (36) when the handle (33) is at the second position (See Figure 2).

Regarding claim 3, Stephen discloses the contact member (36) is fixed to the handle (33) and is provided with a projection portion (curve portion of 36) and the cam

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member (35) is fixed to a holder (18) which is movable relative to the roof rails (10) and is provided with a cam surface (surface area of 29 & 36) which contacts with the projection portion (curve portion of 36).

Regarding claim 4, Stephen discloses the holder (18) is compressively contacted with the roof rails (10) by the cam member (31 & 35) when the handle (33) is at the second position (See Column 1, line 75 and See Column 2, lines 1 – 17).

Regarding claim 5, Stephen discloses the pair of roof rails (10) extended in parallel to each other and connected to a roof of a vehicle (See Figure 1);

a cross rail (17) for connecting the roof rails (10); and

stopper mechanism (29) including a handle (33) operable for fixing the cross rail (17) to the roof rails (10), the stopper mechanism (29) further including a cam member (31 & 35) and a contact member (36) for contacting the cam member (31 & 35);

wherein the cross rail (17) is movable relative to the roof rail (10) when the handle (33) is at a first position and the cross rail (17) is immovable relative to the roof rail (10) when the handle (33) is at a second position (See Column 1, lines 71 – 75) and (See Column 2, lines 1 – 17) (See Figure 2);

and wherein the roof rails (10) compressively contact a holder (18) movable relative to the roof rails (10) upon movement of the contact member (36) relative to the cam member (31 & 35) when the handle (33) is at the second position, and a shaft (24)

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penetrates holes (See Figure 2) provided through central portions of the cam member (35) and the contact member (36) (See Figure 3).

Regarding claim 6, Stephen discloses the roof rails (10) compressively contact by the movement of the contact member (36) when the handle (33) is at the second position (See Figure 2).

Regarding claim 7, Stephen discloses the contact member is fixed to the handle and is provided with a projection portion and the cam member is fixed to a holder which is movable relative to the roof rails and is provided with a cam surface which contacts with the projection portion.

Regarding claim 8, Stephen discloses the holder (18) is compressively contacted with the roof rails (10) by the cam member (31 & 35) when the handle (33) is at the second position (See Column 1, line 75 and See Column 2, lines 1 – 17).

4. Claims 1, 4 & 8 are rejected under 35 U.S.C. 102(b) as being anticipated et al., by Drouillard et al., (U.S. Patent Number 6050467).

Drouillard discloses the pair of roof rails (12 & 14) extended in parallel each other and connected to a roof of a vehicle (16) (See Column 2, lines 14 – 16) (See Figure 4);

a cross rail (30) for connecting the roof rails (12 & 14) (See Column 2, line 57 – 59) (See Figure 4);

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stopper mechanism (26) including a handle (46) operable for fixing the cross rail (30 / 32) to the roof rails (12 & 14) (See Figures 2 & 3), the stopper mechanism (26) further including a cam member (48) (See Figure 2; inner arm extension portion of 26) and a contact member (See Figures 2 & 3; rectangular portion connected to 36) for contacting the cam member (48) (See Figure 2; inner arm extension portion of 26) (See Column 3, lines 33 – 39);

wherein the cross rail a (30 / 32) is movable relative to the roof rail (12 & 14) when the handle (46) is at a first position (See Figure 3) and the cross rail (30) is immovable relative to the roof rail (12 & 14) when the handle (46) is at a second position (See Figure 2) (See Column 4, lines 18 – 24);

a spring (24) fitted in an attaching groove (18) formed on a holder (upper inner vertical wall of 20) and inserted into an opening portion of the roof rail (14) (See Figure 3) to be maintained and a rim portion (upper & lower inner horizontal walls of 20 & upper and lower walls of 20) (See Figure 3) of the opening portion of the roof rail (14) is sandwiched between the holder (upper inner vertical wall of 20) and the spring (24) (See Figure 3);

and wherein the roof rails (12 & 14) compressively contact a holder (upper inner vertical wall of 20) movable relative to the roof rails (12 & 14) upon movement of the contact member (See Figure 2; rectangular portion connected to 36) relative to the cam member (48) (See Figure 2; inner arm extension portion of 26) when the handle (46) is at the second position (See Figure 2), and a shaft (36) penetrates holes (See Figure 2) provided at the central portion of the cam member (48) (See Figure 2; inner arm

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extension portion of 26) and the contact member (See Figures 2; rectangular portion connected to 36).

Regarding claim 4, Drouillard et al., discloses the holder (upper inner vertical wall of 20) is compressively contacted with the roof rails (12 & 14) by the cam member (48) when the handle (46) is at the second position (See Figure 2).

Regarding claim 8, Drouillard et al., discloses the holder (upper inner vertical wall of 20) is compressively contacted with the roof rails (12 & 14) by the cam member (48) when the handle (46) is at the second position (See Figure 2).

4. Claims 1, 2, 5 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by De Silva et al., (U.S. Patent Number 6131782).

De Silva et al., discloses the pair of roof rails (12 & 14) (See Figure 1) extended in parallel each other and connected to a roof of a vehicle (16);

a cross rail (24 & 26) for connecting the roof rails (12 & 14) (See Figure 1);

stopper mechanism (66) including a handle (74) operable for fixing the cross rail (24 & 26) to the roof rails (12 & 14), the stopper mechanism (66) further including the cam member (78) and the contact member (84) for contacting the cam member (78) (See Figures 2 & 9);

wherein the cross rail (24 & 26) is movable relative to the roof rail (12 & 14) when the handle (74) is at a first position and the cross rail (24 & 26) is immovable relative to



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the roof rail (12 & 14) when then handle (74) is at a second position (See Column 5, lines 26 – 28) (See Figure 2);

a spring (60) fitted in an attaching groove (42 & 44) formed on a holder (34) and inserted into an opening portion (See Figures 2 & 5) of the roof rail (14) to be maintained and a rim portion (21) of the opening portion (See Figure 5) of the roof rail (14 / 21) is sandwiched between the holder (34) and the spring (60) (See Figure 5; wherein the spring (60) is on both sides of the rail rim (21));

and wherein the roof rails (12 & 14) compressively contact the holder (34) movable relative to the roof rails (12 & 14) upon movement of the contact member (84) relative to the cam member (78) when the handle (74) is at the second position, and a shaft (82) penetrates holes (See Figure 2) provided at the central portion of the cam member (78) and the contact member (84) (See Figure 2).

Regarding claim 2, De Silva et al., discloses the roof rails (12 & 14) compressively contact by the movement of the contact member (84) when the handle (74) is at the second position (See Figures 2, 5 & 9).

Regarding claim 5, De Silva et al., discloses the pair of roof rails (12 & 14) extended in parallel to each other and connected to a roof of a vehicle (16) (See Figure 1);

a cross rail (24 & 26) for connecting the roof rails (12 & 14); and

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stopper mechanism (66) including a handle (74) operable for fixing the cross rail (24 & 26) to the roof rails (12 & 14), the stopper mechanism (66) further including a cam member (78) and a contact member (84) for contacting the cam member (78);

wherein the cross rail (24 & 26) is movable relative to the roof rail (12 & 14) when the handle (74) is at a first position and the cross rail (24 & 26) is immovable relative to the roof rail (12 & 14) when the handle (74) is at a second position (See Figures 2 & 9);

and wherein the roof rails (12 & 14) compressively contact a holder (34) movable relative to the roof rails (12 & 14) upon movement of the contact member (84) relative to the cam member (78) when the handle (74) is at the second position, and a shaft (82) penetrates holes provided through central portions of the cam member (78) and the contact member (84).

Regarding claim 6, De Silva et al., discloses the roof rails (12 & 14) compressively contact by the movement of the contact member (84) when the handle (74) is at the second position (See Figures 2 & 9).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 - 8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aftanas et al., (U.S. Patent Number 6779696 B2).

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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